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July 31, 2014

The Honorable Nancy F. Atlas
United States Courthouse
515 Rusk Street, Room 9015
Houston, TX 77002-2601

Via E-file

ATTN: Shelia Ashabranner, Case Manager

Re: Case No. 3:14-CV-532-NFA; *True the Vote, et al v. The Honorable Delbert Hosemann, et al*; In the United States District Court, Southern District of Mississippi, Jackson Division.

Dear Judge Atlas:

Several Defendants have filed their Notice of Intent to file summary judgment motions as to “all counts.” Summary judgment is inappropriate at this time on Plaintiffs’ constitutional claims (Count 3) and this Court’s Order of July 25, 2014 was to the “NVRA claims” alone. Plaintiffs object that summary judgment on the constitutional claims is premature.

Furthermore, as Plaintiffs’ July 30, 2014 letter to the Court indicated, the party to whom summary judgment on the NVRA claims will be directed, is the party with whom the briefing schedule was discussed [Doc. 53, fn1]. Plaintiffs indicated to the Circuits that motions for relief would not be sought against them on these counts (*See* Exhibit 1, Letter to Defendant Circuits dated July 29, 2014), as the Circuits have generally expressed willingness to be bound by a judgment (regarding NVRA interpretation/application) against the Chief Election Officer. The Circuit’s filings yesterday, however, may indicate otherwise. And despite the filings, no Circuit has sought to discuss a briefing schedule with Plaintiffs.

Plaintiffs do not intend to seek summary judgment against the Republican Party at this stage.¹ The Party's counsel did not seek to confer with Plaintiffs prior to the Party's filings with the Court [Doc. 60].

Finally, Plaintiffs request an expedited ruling on their Motion to Strike [Doc. 57] filed July 30, 2014, such that a ruling may be had on the Motion, prior to the potential response deadline to Defendant Secretary of State's asserted motion to dismiss (within its Answer). (*See* Judge Atlas's Procedures, (6)(B)(2)).

Very truly yours,



L. Eades Hogue

LEH/KWM

ccs:

Mississippi Republican Party

c/o Mr. Michael B. Wallace

T. Russell Nobile

WISE CARTER CHILD & CARAWAY, P.A.

401 E. Capitol Street

Heritage Building, Suite 600

Jackson, Mississippi 39201

Via E-file

Honorable Delbert Hosemann

Secretary of State

c/o Harold Pizzetta, III

Office of the Attorney General

550 High Street

Jackson, MS 39205

Via E-file

¹ Plaintiffs do not waive their right to have joined the Party to this suit for NVRA concerns (as Mr. Harding's declaration and Ms. Patrick's testimony supported) or to seek summary judgment relief on Count 3 at a later date (*See* Doc. 46, stating summary judgment may be expedited on the NVRA issues, not Count 3). Because Plaintiffs contend their constitutional voting rights were violated in connection with the 2014 Republican Primary for Mississippi Senate Office, the Republican Party is a necessary party. The Party contracted in many counties to run the election at issue (as testified to at the July 24 hearing) and would likely staff any subsequent remedial election.

**Copiah County, Mississippi Election
Commission**

Via E-file

c/o Elise Berry Munn
Berry & Munn, PA
P. O. Drawer 768
Hazlehurst, MS 39083

**Hinds County, Mississippi Election
Commission**

Via E-file

c/o Peter Teeuwissen
Simon & Teeuwissen, PLLC
P.O. Box 16787
Jackson, MS 39236

**Jefferson Davis County, Mississippi
Election Commission**

Via E-file

c/o Robert E. Sanders
Young, Wells, Williams, P.A.
141 Township Ave., Suite 300
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Richland, MS 39158-6005

**Lauderdale County, Mississippi Election
Commission**

Via E-file

c/o Lee Thaggard
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P.O. Box 2009
Meridian, MS 39302-2009

**Leake County, Mississippi Election
Commission**

Via E-file

c/o Jeffrey T. Webb
Webb Law Firm, PLLC
203 South Pearl Street
Carthage, MS 39051

**Madison County, Mississippi
Election Commission**

Via E-file

c/o Alphonso Michael Espy
Mike Espy, Attorney at Law, PLLC
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**Rankin County, Mississippi Election
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Via E-file

**Simpson County, Mississippi Election
Commission**

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**Yazoo County, Mississippi Election
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